

**STATEMENT OF  
COMMISSIONER ROBERT M. McDOWELL**

RE: Applications of ALLTEL Corporation, Transferor, and Atlantis Holdings LLC,  
Transferee For Consent To Transfer Control of Licenses, Leases and Authorizations, WT  
Docket No. 07-128, *Memorandum Opinion and Order*, FCC 07-185

I am pleased to support the transfer of control of ALLTEL Corporation given the significant benefits to wireless consumers and the citizens in Arkansas. However, I am concerned regarding the “voluntary” conditions agreed to by the applicants. Imposing conditions pertaining to high cost universal service support and Enhanced 911 (E911) deployment are not merger specific, are unnecessary at this time, and may prejudice ongoing Commission deliberations.

Today’s Order conditions approval of the transaction by capping ALLTEL’s high cost universal service support at June 2007 levels on an annualized basis for an indeterminate period. The condition also provides ALLTEL a “limited exception”: ALLTEL will not be subject to the cap if it files cost data showing its own per-line costs as an alternative to the capped funding level, and demonstrates immediate compliance with the E911 Public Safety Answering Point (PSAP) location accuracy standard.

With respect to universal service, today’s Order expressly states that the Commission has not yet adopted the Joint Board’s recommendation regarding an interim cap on high cost universal service funding for competitive eligible telecommunications carriers (ETCs). ETC support is not raised or discussed in the record of this proceeding. Furthermore, the condition prejudices the Commission’s open docket considering universal service support distribution. I also question whether we have thought about how the actions today may skew future treatment of similarly-situated parties.

With respect to E911, given its citation only to an FCC News Release, today’s Order makes plain that the Commission has yet to release its September 11, 2007, E911 Order. There the Commission set a deadline of September 11, 2012, for wireless carriers to satisfy E911 accuracy as measured at the PSAP level despite considerable debate as to whether the mandate has adequate support within the E911 record. E911 is not discussed at all in this proceeding. And, just as with universal service, introducing E911 mandates into this distinct proceeding will surely impact future consideration of similarly-situated parties.

The conditions imposed today raise more questions than they answer. Given the ongoing nature of the universal service and E911 proceedings, I wonder whether this is an attempt to bind future Commission action, and dictate or bind government policy.